




**Massachusetts Department of Housing and Community Development
Division of Housing Stabilization**

To: DHCD Field Staff
From: Robert Pulster, Associate Director 
Date: October 3, 2011
RE: Housing Stabilization Notice 2011-03, Guidance on Basic Verifications for Intake

This Housing Stabilization Notice discusses the types of verification that do not involve presumptive eligibility and are therefore required as a basic element of the intake screening process. Other forms of verification are subject to the thirty-day submission period under the requirements of presumptive eligibility.

Introduction, Presumptive Emergency Assistance (EA) Eligibility and Conditional HomeBASE (HB) Eligibility

The statutory authorization for presumptive eligibility states: “[T]he department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department.” Budget Line Item 7004-0101. In other words, an applicant family must be taken at its word at intake in regard to any information regarding *eligibility* criteria.

If the family is an EA-priority family (head of household under 21, and other families who are victims of domestic violence, fire, or natural disaster and choose EA), the family then has up to thirty days to provide third-party verification of that information to DHS while placed presumptively in the EA system. If the family is an HB-priority family (head of household 21 or over, including victims of domestic violence, fire, or natural disaster who choose HB), the family then has up to ten days to provide third-party verification of that information to DHS while placed conditionally in HB temporary accommodation.

Eligibility information includes information necessary for ascertaining the reason for homelessness, income eligibility, assets, legal resident status, employment status and reasons for termination or reduction of employment when the reasons given are likely to constitute good cause, and availability of alternative feasible housing. For additional information on pursuing additional verifications for families found presumptively eligible for EA or conditionally eligible for HB, you may review Department of Transitional Assistance (DTA) Field Operations Memorandum (FOM) 2006-49 and EA Form VC-1, Verification Checklist.

Simply to meet basic qualifications for EA (including eligibility for HB), however, each applicant group must demonstrate that it is a family, which must contain at

least: (1) one adult (over the age of 18) and (2) one or more related children (under the age of 21), which can include an unborn child for a pregnant woman. 106 C.M.R. § 309.020 (A). This Notice provides guidance in determining whether an applicant group in fact constitutes a family qualified to receive EA benefits.

Basic Information about Identity and Family Composition

The EA presumptive eligibility statutory language and HB conditional eligibility regulatory language grant short-term benefits to families who appear to be eligible. Before a family unit can be granted EA presumptive eligibility or HB conditional eligibility, however, it must be determined to be a family. There have been a number of situations where groups of people have applied for EA who are not related, and therefore do not meet basic eligibility criteria, such as a family friend or babysitter who has been left in charge of children when the parent has returned to his or her native country. Concerns have been raised that an adult with no authorized relationship to a needy child, and possibly with an improper purpose, might seek to “hide” in the shelter system if proper initial identification is not required. That means that, in accordance with longstanding EA practice, **the individuals who are members of the family must, during the intake process, provide reliable information of the identity of each member of the family and the relationship among the family members.**

Pursuant to 106 C.M.R. § 309.020 (A), an EA applicant family must consist of either (1) at least a parent or legal guardian and a child, or (2) a pregnant woman. In the case of a parent or legal guardian applying with at least one child, the following additional relatives may be included in the family composition as of right pursuant to regulation: the other parent, a stepparent, and the siblings (including half-siblings and step-siblings) of the needy child, provided that such siblings are under the age of 21. 106 C.M.R. § 309.020 (A) (1). In the case of a pregnant woman, the family consists of the pregnant woman and her spouse, if any. 106 C.M.R. § 309.020 (A) (2).

Guidance as to the meaning of *step-parent* and *spouse* is provided in HSN 2011-02, Guidance on the Definition of *Spouse* and *Step-Parent*, which includes as the definition of a spouse, “an individual with whom the pregnant woman is involved as a couple in an inter-dependent relationship that is intended to be long-term” and includes as the definition of stepparent, “an individual with whom a parent of the needy child is involved as a couple in an inter-dependent relationship that is intended to be long-term.” The process for approving a caretaker relative or additional permitted adult relatives is detailed in Housing Stabilization Notice (HSN) 2010-01, Guidance on Additional Adult Household Members and EA Form EAR-1.

All other types of information about a family or individual family members that is necessary to determination of eligibility, such as legal status in the United States, employment, income, assets, availability of feasible alternative housing, and reason for homelessness are subject to the presumptive or conditional eligibility rule. In other words, if the applicant provides verifiable information about the identity and relationship of all applicant family members, and relates information that, if true, would render the

family otherwise eligible, that family is presumptively eligible for EA or conditionally eligible for HB, depending upon the family's circumstances, pending presentation of adequate verification within 30 days in the case of EA presumptive eligibility and 10 business days in the case of HB conditional eligibility. Homeless coordinators should remember that they may use any information available to them in evaluating the statements made and documents provided by an applicant household.

Verification of Identity of Adult Family Members

Adult members of an applicant household, including all household members over the age of 18,¹ must present valid and verifiable information including: (a) full legal name or names, (b) date of birth, (c) photograph, (d) signature, and (e) social security number.² The following documents, individually or in combination, may be used as acceptable forms of identification for adult members of an applicant household, provided that, from all documents presented, elements (a) through (e) above can be demonstrated:

1. Current Massachusetts driver's permit, driver's license, or identification card
2. Current Massachusetts Firearms Card, with photograph, signature, residential address, and date of birth
3. Current Massachusetts-issued Professional License
4. Massachusetts license or ID card that expired within the past 6 months.
5. United States or non-United States passport with photograph and signature (including passport card)
6. Current United States Coast Guard Merchant Mariner card with photograph and date of birth
7. Current United States military personnel (or their spouses or dependents) identification with photograph and date of birth
8. United States military discharge papers (DD 214) with date of birth
9. Selective Service Card with name and signature
10. Current out-of-state license, or out-of-state license that expired within the past 6 months, containing photograph, date of birth, and signature and issued by a state, territory, or possession of the United States, the District of Columbia, a province of Canada, or a state of Mexico or the Federal District of Mexico City
11. Current identification card with photograph and signature, issued by a United States agency, the District of Columbia, a state or state agency (but not state college/university identification), a municipality, a territory, or a possession of the United States, a province of Canada, or a state of Mexico or the Federal District of Mexico City
12. Certificate of Naturalization: N-550, N-570, or N-578

¹ Although individuals up to 21 years of age are considered "needy children" qualifying the family as eligible for EA, for purposes of basic identification all individuals in an EA applicant household over the age of 18 shall be considered adults and all individuals under the age of 18 shall be considered minor children.

² Individuals who are not eligible for a social security card may provide, in the alternative, a United States government document stating that their legal status in the United States does not permit them to engage in work or obtain a social security number. Individuals with firmly held beliefs that prevent the individual from obtaining a social security card must provide a notarized statement so indicating.

13. Certificate of Citizenship: N-560, N-561, or N-645
14. United States Citizen Identification Card: I-179 or I-197
15. Permanent Resident Card ("Green Card"): I-551
16. Current Temporary Resident Identification Card: I-688
17. Unexpired Record of Departure (in valid foreign passport): I-94
18. Processed for I-551 stamp (in valid foreign passport), indicating current legal status in the United States
19. Current United States Permanent Resident Re-entry Permit: I-327
20. Current United States Refugee Travel Document: I-571
21. Current Employment Authorization Card: I-688B or I-766
22. Original or certified copy of Birth Certificate, valid in the location of birth
23. Original or certified copy of Marriage Certificate, valid in location of marriage
24. Court-approved adoption document, including court seal
25. Court-approved change of name document, including court seal
26. Court-approved change of gender document, including court seal
27. Court-approved appointment of guardian, including court seal
28. Original or official replacement Social Security card
29. Verification of identity by another government agency, current within the past 12 months

Verification of Identity of Minor Family Members

Adult members of EA applicant family must present valid and verifiable identification information for minor household members age 18 or younger, including: (a) full legal name or names and (b) date of birth. In addition, (c) applicants must provide verification of social security numbers for all minors in the EA family over 14 years of age.³ The documents listed in regard to adult identification, above, individually or in combination, may be used as acceptable forms of identification for minor members of an applicant household, provided that, from all documents presented elements (a), (b), and (c) (if applicable), can be demonstrated. In addition to the documentation listed above, an applicant family may provide the following additional form of identification for a minor family member:

30. Original letter issued and signed by the principal, headmaster, or official keeper of the records of a school (including a preschool, elementary school, secondary school, or a college or university), on school letterhead, stating that the subject of the letter is currently, or has been within the past 12 months, a student at the school, and including the name, date of birth, and primary caregiver for the individual.
31. Original letter issued and signed by a physician on office letterhead, stating that the subject of the letter is currently, or has been within the past 12 months, a

³ Except in the circumstances outline in footnote 2 above. In the case of a minor child, an adult family member may sign the notarized statement indicating that the firmly held belief of the family prevents the minor family member from obtaining a social security number.

patient of the physician's medical practice, and including the name, date of birth, and primary caregiver for the individual.

Verification of Relationship among Family Members

A group of people applying together as a family must demonstrate that the individual members of the applicant group are, in fact, a family related to a homeless child in a manner required by applicable regulation. 106 C.M.R. § 309.020 (A) (1). The permissible adult members of a child's family are that child's parent, a stepparent (if applicable), or a legal guardian (if neither parent has custody). In addition, the family of a homeless child may include the child's siblings (including half-siblings or step-siblings) under the age of 21. Relationship as a caregiver relative should be considered pursuant to the procedure for assessing a Form EAR-1, request to include extra adult relative as a household member. *See* HSN 2010-01. Relationship among other authorized family members in an EA applicant family may be verified by the following documentation:

- (i) Original or certified copy of Birth Certificate, valid in the location of birth, for a minor member of the applicant family indicating the parents of that minor
- (ii) Original or certified copy of Marriage Certificate, valid in location of marriage
- (iii) Court-approved acknowledgment of paternity, including court seal
- (iv) Court order of divorce or separation, if such order provides for custody of minor children, including court seal
- (v) Court-approved child support or child custody order indicating the relationship of the minor to the adult family members, including court seal
- (vi) Court-approved adoption document, including court seal
- (vii) Court records, or records from the Department of Children & Families ("DCF"), showing that an adult member of the applicant family is the legal guardian of a minor in the applicant family.
- (viii) United States or non-United States passport with photograph and signature (including passport card) indicating the relationship of the minor to the adult family members
- (ix) Medical records for a member of the applicant family indicating family relationship among members of the applicant family
- (x) School records (including a preschool, elementary school, secondary school, or a college or university) for a minor member of the applicant family that specifically indicate the relationship of the minor to the adult family members
- (xi) In the case of a stepparent or spouse (as defined in HSN 2011-02) who is not legally married to an applicant who is a parent of the needy child or a pregnant woman, a sworn declaration or an affirmation made under penalties of perjury from the applicant and the stepparent or spouse that they are involved as a couple in an inter-dependent relationship that they intend to be long-term. A form declaration that may be used for this purpose is attached to this Notice as Appendix I.

Custody-Related Issues

Often custody-related issues cause confusion at intake. If a child's parents live separately—whether they were legally divorced, separated, or never married—only one parent can form an EA family with that child. Only the parent with primary physical custody of the child is part of the needy child's family for purposes of EA eligibility. If both parents share equal physical and legal custody of the child, the parent with whom the child has spent the majority of time over the past six months at the time of intake should be considered the child's parent for purposes of EA eligibility. If a child has historically spent equal amounts of time with both parents, and only one parent becomes homeless, the child will not be considered a needy homeless child for EA purposes because, in that case, the other parent typically has adequate facilities to house the child fulltime.

When the documentation of relationship presented at intake appears to indicate that the applicant parent has primary physical custody, but it is not clear, a family can be admitted presumptively, pending verification of custody arrangements. The parent must then demonstrate conclusively sole or primary physical custody within the 30-day EA presumptive eligibility or 10- HB conditional eligibility timeframe, as applicable. Primary physical custody can be verified by:

- (a) a birth certificate listing only one parent;
- (b) a court order of divorce, separation, child support, or custody;
- (c) school or medical records listing one parent as primary custodian of the child;
- (d) DCF orders regarding physical custody; or
- (e) affidavits from relatives and neighbors attesting that the child has historically spent the majority of the time with a particular parent.

Lenient Application in Case of Fire, Flood, or Natural Disaster

In case of fire, flood, or other natural disaster, in which identification information has been destroyed, a letter from the Massachusetts Emergency Management Agency (MEMA) or the Red Cross indicating that the family was displaced from its dwelling unit by such fire, flood, or natural disaster and is in the process of obtaining new identification documentation will be sufficient identification for a 30-day period for EA presumptive eligibility families and for a 10-day period for HB conditional eligibility families. If 10 days is insufficient based on extenuating circumstances for an HB conditional family that has survived a fire or natural disaster, an extension of HB conditional eligibility may be granted by the DHS Regional Assistant Administrator in his/her sole discretion.⁴ Such a letter from MEMA or the Red Cross should state the names and relationships of the members of the family who were living together in the dwelling unit at the time of the

⁴ Such extenuating circumstances, which would have to be substantiated by reasonable verifications, might include: (1) serious illness or inability to obtain time off from full-time employment prevented the applicant from spending the time necessary with government agencies able to locate documents; (2) destruction by a serious natural disaster of essential records kept in a public repository; or (3) location of original documents in a jurisdiction outside the United States.

event causing the displacement. At the end of the 30-day or 10-day time period, as applicable, documentation of identity pursuant to document types 1-31 and documentation of relationship pursuant to document types (i) through (xi) and (a) through (e) above will be required.

Conclusion

EA and HB benefits are provided to families that constitute households. EA applicant families are treated as a unit under EA regulations. The relationship among individuals within a family is not always clear, particularly when the family may not have had a history of residing together as a household. The documents discussed in this Notice concern only basic information confirming identity and relationship for purposes of completing an EA application. Parent and child may be granted EA presumptively or granted HB conditionally, as applicable, upon provision of documentation that appears to confirm a relationship, so long as the family appears to be otherwise eligible, based on the information provided and other information available to the homeless coordinator.

The family may, nevertheless, still need to provide additional verification of identity and/or relationship within the 30-day presumptive eligibility or 10-day conditional eligibility timeframe, as applicable, for demonstrating actual eligibility, if the initially provided documentation does not clearly demonstrate the identity and relationship of the family members. If the documentation presented at intake is sufficient to warrant EA presumptive eligibility or HB conditional eligibility, but not sufficient to determine final eligibility, the Homeless Coordinator will inform the head of the applicant household of what forms of additional documentation of identity and relationship need to be presented within thirty days to qualify for final eligibility. *See* DTA FOM 2006-49 and EA Form VC-1, Verification Checklist.